

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, NOVEMBER 12 AND 13, 2012  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of November 12 - 13, 2012, as follows:

**CLOSED SESSION MEETING FOR MONDAY, NOVEMBER 12, 2012**

(Due to November 12, 2012, being a Holiday (Veteran’s Day), the meeting was adjourned. The Closed Session Items were heard at the Closed Session Meeting on Tuesday, November 13, 2012, at 1:08 p.m.)

**CLOSED SESSION MEETING FOR TUESDAY, NOVEMBER 13, 2012**

**ROLL CALL:**

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, DeMaio, Zapf, and Emerald

Absent: Mayor Sanders (Absent for the meeting.)  
Councilmember Alvarez – Dist. 8 (Absent for Items CS-1 and CS-2)

**CLOSED SESSION ITEMS:**

***CS-1 Marjan Montazemi v. City of San Diego, et al.***

U.S. District Court Case No. 12-cv-1267 CAB (JMA)

DCA Assigned: C. Milligan

Report: Nothing to report.

**CS-2 *Danielle Fisher v. City of San Diego, et al.***  
U.S. District Court Case No. 12-cv-1268 LAB (NLS)

DCA Assigned: C. Milligan

Report: Nothing to report.

**CS-3 *Application of San Diego Gas and Electric Company (U 902 E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design***  
Matter No.: Application (A.) 11-12-001, California Public Utilities Commission

DCA Assigned: F. Ortlieb

Report: Nothing to report.

**CS-4 *De Anza Cove Homeowners Association, Inc. v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC 821191

*Abbit, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 865536

*Aglio, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 37-2009-00081994-CU-EI-CTL

*Scottsdale Insurance Company. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 37-2008-00083941-CU-EI-CTL

*Certain Interested Underwriters at Lloyd's v. Terra Vista Management, Inc., DeAnza Cove Homeowners Association, Inc., and City of San Diego*  
San Diego Superior Court Case No. 37-2008-000892709-CU-MC-CTL

DCA Assigned: J. Riley

Report: Nothing to report.

**CS-5 *CREED-21 v. City of San Diego***  
San Diego Superior Court Case No. 37-2012-00098019

DCA Assigned: A. Contreras

Report: Nothing to report.

**CS-6 *Marcus Abbe, et al. v. City of San Diego* (“SDPOA 2”)**

U.S. District Court Case Nos. 05-CV-1629 and 06-CV-0538;  
United States Court of Appeals for the Ninth Circuit Case Nos. 09-56437, 09-56444,  
10-55087, and 10-55089  
Supreme Court Case No. 11-673

DCA Assigned: G. Schaefer

Report: Nothing to report.

**CS-7 *Border Business Park, Inc. v. City of San Diego***

San Diego Superior Court Case No. GIC692794

***Border Business Park, Inc. v. City of San Diego***

San Diego Superior Court Case No. 37-2011-00090494-CU-EU-CTL

***National Enterprises, Inc. v. City of San Diego***

San Diego Superior Court Case No. GIC73001

***Otay Acquisitions, LLC v. City of San Diego***

San Diego Superior Court Case No. GIC753247

***Otay Truck Parking, LP v. City of San Diego***

San Diego Superior Court Case No. 37-2009-00095661-CU-EI-CTL

***Insurance Company of the State of Pennsylvania v. City of San Diego***

U.S. District Court Case No. 02 CV 0693 BEN (CAB)

DCA Assigned: D. Karlin

Report: Nothing to report.

REPORTED BY: /s/ Mary Jo Lanza fame  
Mary Jo Lanza fame  
Assistant City Attorney